

AO91 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT

United States Magistrate Court
DSG-SOTX
FILED

SOUTHERN

DISTRICT OF

TEXAS JUL 31 2014 2B

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

David J. Bradley, Clerk
Laredo Division

V.

Joe Adam VEGA
Greenville, TX
US

Case Number:

5:14mj019

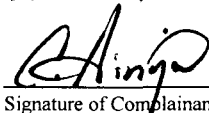
(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about July 29, 2014 in Webb County, in the Southern District of Texas Joe Adam VEGA defendant(s), a citizen of the United States, did unlawfully transport 1 undocumented alien(s) within the Southern District of Texas knowing or in reckless disregard of the fact that said alien(s) had come to, entered, or remained in the United States in violation of law, and transported or moved said alien(s) within the United States by means of motor vehicle or otherwise, in furtherance of such violation of law;

in violation of Title(s) 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts: Based on statements of the accused and records of the U.S. Department of Homeland Security.

Continued on Affidavit

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Carlos Hinojosa
Printed Name of Complainant

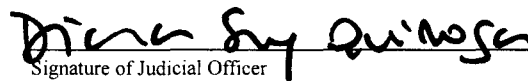
Sworn to before me and signed in my presence,

July 31, 2014
Date

at

Laredo, Texas
City and State

Diana Song Quiroga, U.S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

In support of Criminal Complaint

**UNITED STATES OF AMERICA
V.****CRIMINAL COMPLAINT**

Joe Adam VEGA

Case Number: **5-14-mj-1019**

On July 29, 2014, a Border Patrol Agent was working his assigned duties at the U.S. Border Patrol Checkpoint located at the 29 mile marker on IH-35 north of Laredo, Texas (Zone 7.9). At about 3:07 a.m., a grey in color Ford Focus approached the primary car lane for inspection. He conducted an immigration inspection on the driver, later identified as Joe Adam Vega, to which he stated he was a United States citizen. During VEGA's response, he appeared to be nervously looking forward at the previous vehicle driving away from the inspection lane when he answered to his citizenship. The agent then asked if he was following the vehicle in front of him and VEGA hesitated and stated "Yes". At that time, the agent asked if the vehicle he was driving was his, which VEGA also stated "Yes". The agent then proceeded to question the passenger, later identified as Dustin Andrew Larson, as to what his citizenship was to which he stated "United States Citizen". At that time, a Border Patrol Agent canine handler advised that his service canine was alerting to the possible presence of illegal narcotics or concealed humans. Upon visual inspection of the rear passenger seat, no other persons or possible narcotics were observed. The agent then requested consent to visually inspect the trunk of the vehicle. At that time, the driver looked over to the passenger for guidance as to whether to allow the search or not. The passenger then became hesitant and requested to be allowed to continue on his way. The agent then advised the driver and passenger of the service canine alerting to the possible presence of illegal narcotics or concealed humans. The driver continued to state his citizenship and asked if they were being detained. The agent advised both the driver and passenger that they were being detained due to the alert of the service canine. I then instructed the driver to proceed to the secondary inspection area.

The driver again looked towards to the passenger for guidance, the passenger advised him not to proceed to secondary. The agent then informed the driver that it was not a request, and again instructed him to move his vehicle to the secondary area. The passenger then requested a supervisor, at which point the agent requested a supervisor to the primary inspection lane. A Supervisory Border Patrol Agent (SBPA) arrived to the primary lane and assumed the primary duties. SBPA informed the driver they were being detained due to the canine alert and instructed the driver once more to move his vehicle to the secondary inspection area and explained to him that he was actively blocking an active highway. Due to the noncompliance of both driver and passenger, as per protocol an agent began to record the noncompliant situation. Again SBPA explained to driver and passenger that they were impeding highway traffic and thereby intentionally creating a hazardous situation for the public and agents. The passenger proceeded to speak for the driver and stated that they were not willing to move the vehicle. After several commands from the supervisor to move the vehicle to secondary, the passenger still advised the driver not to move the vehicle. The passenger then became fidgety and nervous producing a cellular phone and began to record the interaction. The driver and passenger were advised that failure to move the vehicle to the secondary inspection area would result in an arrest for violation of 18 USC 111. At this time the SBPA advised the driver to put the vehicle in park and to shut off the vehicle. While SBPA was advising both the driver and passenger of their possible arrest, the passenger continuously interrupted him by stating that they would like to be on their way. At that time, for agent's safety before attempting to extract the driver and passenger, SBPA reached for the vehicle shifter and placed the vehicle in park. The passenger leaned over the driver to lock the doors to the vehicle and instructed the driver to raise the driver window. The passenger continued to forcibly impede access to the vehicle. SBPA then instructed the primary agents to extract both the driver and passenger from the vehicle. The driver was being passively resistant by ignoring commands to exit the vehicle and the passenger being actively resistant by struggling with agents while being placed under arrest. Agents were able to subdue the subjects after removing them from the vehicle and placed them under arrest in the primary inspection lane. As agents placed the subjects under arrest, an immediate search of the trunk revealed one male undocumented alien, later identified Jose De Jesus MORENO-MORALES, from Mexico. At this time, all three subjects were escorted into the checkpoint for processing.

Joe Adam Vega was read his Miranda warnings by a Border Patrol Agent Service Form I-214. Vega signed and acknowledged service Form I-214.

Dustin Andrew Larson was read his Miranda warnings by a Border Patrol Agent using Service Form I-214. Larson signed and

acknowledged service Form I-214.

Both Vega and Larson refused to make a statement.

MATERIAL WITNESS STATEMENT:

MORENO-MORALES stated while he was walking north along IH-35, he flagged down passing motorists, in which the driver Vega along with passenger Larson stopped to pick him up. MORENO-MORALES also stated when the vehicle came to a stop, the driver got out and opened the trunk of the vehicle and told MORENO-MORALES to get in. MORENO-MORALES then stated the driver told him before closing the trunk, once they were in San Antonio, Texas they would talk about a price. MORENO-MORALES stated he was going to pay Vega the \$500.00 he had in his wallet.

SUBSRIBED and SWORN to before me this _____ day of _____.

Signature of Judicial Officer

Signature of Complaint